

# EXHIBIT 1

## **CURRICULUM VITAE OF JOHN CRABTREE**

John Crabtree is board-certified in appellate practice by The Florida Bar, is a member of the American Law Institute (2005-), and has argued before numerous state and federal appellate courts—including the Supreme Court of the United States. In addition to representing parties, John has represented various amici curiae, and wrote an amicus brief in the landmark age discrimination case *Smith v. City of Jackson*, presenting an entirely novel textual argument that the Supreme Court later used in its decision. His cases have been featured in the national media, including *The Wall Street Journal*, the *New York Times*, the *Chicago Tribune* and *The National Law Journal*. He has represented plaintiffs and defendants in dozens of class actions over the past 25 years, and he served on the ALI's Members Consultative Group for the class action treatise, "Principles of the Law of Aggregate Litigation."

John is a former chair of The Florida Bar's Appellate Certification Committee—the committee that evaluates, tests, and determines those lawyers who will be board-certified as appellate specialists in Florida. By election, he chaired the Bar's 1400-member Appellate Practice Section. By appointment of successive presidents of The Florida Bar, he served two terms as chair of Florida's Appellate Court Rules Committee—the committee that drafts the rules governing Florida's appellate courts. Currently, John serves on the Rule of Judicial Administration Committee, the central rules coordinating committee for the Florida court system.

He has received Martindale-Hubbell's highest rating since 1999, and is named in the current editions of *Best Lawyers in America*, *Florida Super Lawyers*, *Florida Trend's Legal Elite*, and *South Florida Legal Guide's Top Lawyers*.

He has lectured and written on a range of appellate and class action topics, and has served as a consultant and as an expert witness in the area of appellate practice. His recent publications and lectures include: *The Record on Appeal: Civil Appeals*, (6th-10th eds.; continuing author), within the Bar's Florida Appellate Practice treatise; *The Material Difference in Florida Contract Law*, 90 Fla. B.J. 36 (March 2016); *Modern Appellate Practice—Oral Argument*, (September 15, 2018) one of four panelists (a former Chief Justice of the Florida Supreme Court, the former Clerk of the Florida Supreme Court, and one other appellate specialist); *Appellate Representation Agreements—Part I and Part II* (2016, 2017), ethics seminar given to members of the Appellate Practice Section of The Florida Bar.

He has represented plaintiffs and defendants in dozens of class actions over the past 25 years and continues to represent both plaintiffs and defendants. He is currently co-counsel for the plaintiffs in cases including the following:

- i) (lead counsel) *Congdon, et al. v. Uber Technologies, Inc., et al.*, 4:16-cv-02499-YGR (N.D. Cali.), a certified, national class action asserting breach of contract violations on behalf of a class of Uber drivers numbering in the thousands. On March 8, 2018, the plaintiffs won that case—which we understand to be the first class action that Uber has lost on the merits.
- ii) a certified class action in Florida state court: *Solaris at Brickell Bay Condominium Association, Inc. v. LM Funding*, 2014-CA-20043 (Fla. 11<sup>th</sup> Cir.). That case involves allegations of violations of Florida’s usury law, RICO violations, and Deceptive and Unfair Trade Practices claims against a self-proclaimed financial services company on behalf of a state-wide class of hundreds of condominium associations that obtained loans from the financial services company that resulted in the putative class members paying an allegedly usurious rates of interest under Florida law.
- iii) two putative class actions in the Southern District of Florida alleging breach of contract claims against Venezuelan airlines for charging passengers who had paid for their tickets additional, “exit-fees” at the Miami International Airport before those passengers were permitted to board and return home.

He currently represents defendants in three class actions:

- i) The Collection, a well-known luxury car dealership (<https://www.thecollection.com/about-us/the-collection-difference/>), in *Friedman v. The Collection*, 1:18-cv-20348-UU (S.D. Fla.), a putative class action alleging TCPA violations.
- ii) A group of medical doctors accused of overbilling, in a case in which the trial court certified both defendant and plaintiff classes. On appeal, in *Inphynet Contracting Services, Inc. v. Matthews*, 196 So. 3d 449, 454 (Fla. 4th DCA 2016), we argued against defendant class certification, and that portion of the certification order was ultimately reversed reducing the scope of the litigation by over 95%.
- iii) A California-based national medical records company named as a defendant in a Florida state court class action alleging over-billing.

His previous class action litigation has included:

- i) Serving as lead counsel for the plaintiff class in the Consolidated Industries Product Defect Litigation—a national product liability class action that went on for more than 10 years and involved over one million class members—managing a team of law firms that included coverage counsel, bankruptcy counsel and local counsel. That case was litigated in Indiana state court, the federal bankruptcy and district courts, and the United States Court of Appeals for the Seventh Circuit before a favorable settlement was reached for the class.
- ii) *Magnetic Imaging Sys. I, Ltd. v. Prudential Prop. & Cas. Ins. Co.*, 847 So. 2d 987 (Fla. 3d DCA 2003), in which he served as lead appellate counsel for the plaintiff, who prevailed on appeal, after which the case settled on a class-wide basis.
- iii) The class action, *Tampa Service Company v. Hartigan*, 966 So. 2d 465 (Fla. 4th DCA 2007), in which he was co-counsel at the trial level and served as lead appellate counsel on appeal. The firm successfully handled appellate representation regarding a class certification order that allowed the litigation of a class action suit against a labor pool company engaging in allegedly prohibited employment practices.
- iv) *Lewis v. Labor Ready, Inc., et al.*, case no. 05-60491-CIV-COI (S.D. Fla.), a case in which the firm served as co-counsel on behalf of a class of day laborers who brought a federal class action against one of the country's largest day-labor companies for an alleged illegal check-cashing scheme. The case resulted in a settlement in favor of the workers who used the check-cashing service.
- v) Numerous other cases in representing both plaintiffs and defendants in state and federal courts.

## **EDUCATION**

University of Florida, Fredric G. Levin College of Law  
Juris Doctor, 1990

## **BAR ADMISSIONS**

Florida, Colorado, District of Columbia

## **BAR LEADERSHIP POSITIONS**

- Chair (2015-16), Florida Bar Appellate Certification Committee
- Chair (2009-2011), Florida's Appellate Court Rules Committee
- Chair (2004-2005), Florida Bar's Appellate Practice Section.